

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCO SIOSON, PRISCILLA SIOSON,

Plaintiff(s),

vs.

CITY OF DALY CITY,

Defendant(s).

No. C-05-4277 MHP  
(BZ)

**ORDER ADOPTING  
MAGISTRATE  
JUDGE'S REPORT  
AND  
RECOMMENDATION  
AND DISMISSING  
ACTION**


This action proceeded before Magistrate Judge Bernard Zimmerman. After several failures to appear and notice by the court that the action would be dismissed for failure to serve the complaint and for lack of prosecution if plaintiff failed to appear or appropriately respond, the assigned Magistrate Judge issued a report and recommendation that plaintiff's complaint be dismissed.

The report and recommendation was filed on July 26, 2006. As of this date no objections or responses have been filed in accordance with Federal Rule 72(b) and Civil Local Rule 72-3. The court has reviewed the report and recommendation, finds that the Magistrate Judge has fully and fairly considered the matter and properly recommended that the complaint be dismissed for lack of prosecution. There has been no timely objection to the report and recommendation and, therefore, the report and recommendation is adopted.

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2 Accordingly, the complaint in this action is DISMISSED for lack of prosecution pursuant to  
3 Rule 41(b) of the Federal Rules of Procedure and for failure to serve the complaint pursuant to Rule  
4 4(m) of the Rules. The Clerk of Court shall close the file.

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6 IT IS SO ORDERED.

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10 Date: August 30, 2006

  
MARILYN HALL PATEL  
Judge  
United States District Court  
Northern District of California

**United States District Court**  
For the Northern District of California

**ENDNOTES**

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